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7

8 **UNITED STATES DISTRICT COURT**
9 **DISTRICT OF NEVADA**

10 UNITED STATES OF AMERICA,
11 Plaintiff,
12
13 v.
14 QUINCY STEWART,
15 Defendant.

Case No. 2:20-cr-00103-RFB-EJY
**STIPULATION TO CONTINUE
TRIAL DATES**
(Fifth Request)

16
17 IT IS HEREBY STIPULATED AND AGREED, by and between Christopher Chiou,
18 Acting United States Attorney, and Daniel E. Clarkson, Assistant United States Attorney,
19 counsel for the United States of America, and Rene L. Valladares, Federal Public Defender,
20 and Jawara Griffin, Assistant Federal Public Defender, counsel for Quincy Stewart, that the
21 calendar call currently scheduled for August 3, 2021 at 1:30 p.m., and the trial scheduled for
22 august 9, 2021 at 9:00 a.m., be vacated and set to a date and time convenient to this Court,
23 but no sooner than ninety (90) days.

24 The Stipulation is entered into for the following reasons:

25 1. Counsel for the defendant needs additional time to conduct investigation in this
26 case in order to determine whether there are any pretrial issues that must be litigated and
whether the case will ultimately go to trial or will be resolved through negotiations.

2. The defendant is incarcerated and does not object to the continuance.

3. The parties agree to the continuance.

4. The additional time requested herein is not sought for purposes of delay, but merely to allow counsel for defendant sufficient time within which to be able to effectively and complete investigation of the discovery materials provided.

5. Additionally, denial of this request for continuance could result in a miscarriage of justice. The additional time requested by this Stipulation is excludable in computing the time within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United States Code, Section 3161(h)(7)(A), considering the factors under Title 18, United States Code, Section 3161(h)(7)(B)(i), (iv).

This is the fifth stipulation to continue filed herein.

DATED this 19th day of July, 2021.

RENE L. VALLADARES
Federal Public Defender

/s/ Jawara Griffin

By _____

JAWARA GRIFFIN
Assistant Federal Public Defender

CHRISTOPHER CHIOU
Acting United States Attorney

/s/ Daniel E. Clarkson

By _____

DANIEL E. CLARKSON
Assistant United States Attorney

1 **UNITED STATES DISTRICT COURT**

2 **DISTRICT OF NEVADA**

3 UNITED STATES OF AMERICA,

4 Plaintiff,

5 v.

6 QUINCY STEWART,

7 Defendant.

Case No. 2:20-cr-00103-RFB-EJY

FINDINGS OF FACT, CONCLUSIONS
OF LAW AND ORDER

9
10 **FINDINGS OF FACT**

11 Based on the pending Stipulation of counsel, and good cause appearing therefore, the
12 Court finds that:

13 1. Counsel for the defendant needs additional time to conduct investigation in this
14 case in order to determine whether there are any pretrial issues that must be litigated and
15 whether the case will ultimately go to trial or will be resolved through negotiations.

16 2. The defendant is incarcerated and does not object to the continuance.

17 3. The parties agree to the continuance.

18 4. The additional time requested herein is not sought for purposes of delay, but
19 merely to allow counsel for defendant sufficient time within which to be able to effectively and
20 complete investigation of the discovery materials provided.

21 5. Additionally, denial of this request for continuance could result in a miscarriage
22 of justice. The additional time requested by this Stipulation is excludable in computing the time
23 within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United
24 States Code, Section 3161(h)(7)(A), considering the factors under Title 18, United States Code,
25 Section 3161(h)(7)(B)(i), (iv).

CONCLUSIONS OF LAW

The ends of justice served by granting said continuance outweigh the best interest of the public and the defendant in a speedy trial, since the failure to grant said continuance would be likely to result in a miscarriage of justice, would deny the parties herein sufficient time and the opportunity within which to be able to effectively and thoroughly prepare for trial, taking into account the exercise of due diligence.

The continuance sought herein is excludable under the Speedy Trial Act, Title 18, United States Code, Section § 3161 (h)(7)(A), when the considering the factors under Title 18, United States Code, § 3161(h)(7)(B)(i), (iv).

ORDER

IT IS THEREFORE ORDERED that trial briefs, proposed voir dire questions, proposed jury instructions, and a list of the Government's prospective witnesses must be electronically submitted to the Court by the 5th day of November, 2021, by the hour of 4:00 p.m.

IT IS FURTHER ORDERED that the calendar call currently scheduled for August 3, 2021, at the hour of 1:30 p.m., be vacated and continued to November 9, 2021 at the hour of 1 : 30 p.m.; and the trial currently scheduled for August 9, 2021, at the hour of 9:00 a.m., be vacated and continued to November 15, 2021 at the hour of 9 : 00 a.m.

IT IS FURTHER ORDERED that the Master Trial Scheduling Conference set for July 20, 2021 at 2:00 PM before Judge Andrew P. Gordon is Vacated.

DATED this 19th day of July, 2021.



RICHARD F. BOULWARE, II
UNITED STATES DISTRICT JUDGE